

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
WHEELING**

MARK MCEVOY, et al.,

Plaintiffs,

v.

**DIVERSIFIED ENERGY COMPANY
PLC, et al.,**

Defendants.

**CIVIL ACTION NO.: 5:22CV171
(BAILEY)**

**ORDER VACATING DEADLINES AND CANCELLING HEARING
REGARDING ECF NO. 120**

Currently pending before the Court on referral from the District Court is Diversified Defendants' Motion to Compel [ECF No. 120], filed January 27, 2023. On February 9, 2023, Diversified Defendants filed a Notice of Withdrawal of Diversified Defendants' Motion to Compel. ECF No. 135. In said Notice, Diversified Defendants state that they are withdrawing their previously filed Motion [120] to Compel without prejudice to refile at a later date.

Accordingly, and based upon ECF No. 135, ECF No. 120 is **WITHDRAWN**, and the Court's Order [124] Setting Deadlines and Oral Argument/Evidentiary Hearing is **VACATED IN PART** as it pertains to ECF No. 120. The Oral Argument/Evidentiary Hearing currently set for February 21, 2023, regarding ECF No. 120 is **CANCELLED**.

It is so **ORDERED**.

The Court **DIRECTS** the Clerk of the Court to serve a copy of this Order upon any *pro se* party by certified mail, return receipt requested, and upon counsel of record herein.

Dated: 2/9/2023

/s/ James P. Mazzone

JAMES P. MAZZONE
UNITED STATES MAGISTRATE JUDGE